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N.J. trying to throw out waste depots

By Kaitlin Gurney
 Inquirer Trenton Bureau

For years, stowing the millions of tons of garbage that New Jersey generates each year has been Pennsylvania's problem.

But as the cost of sending hundreds of landfill-bound trucks across the Delaware River has spiked, waste haulers have turned to New Jersey's rail lines for dispensing with the debris.

Confronted with what they see as the first trash crisis since the 1980s, alarmed state lawmakers are attempting to shut down the open-air trash transfer depots sprouting up next to the railroads that will cart the garbage out to dumps in the Midwest. They say the transfer station operators exploit a loophole in federal law that exempts railroad businesses from state regulations, allowing them to violate environmental rules with little recourse.

Just like Massachusetts, New York and other Northeastern garbage exporters who have seen the growth of these "transload companies," as the railroads call them, New Jersey officials have levied fines and haled them into court, with mixed success. Of the nine transfer facilities operating or proposed in New Jersey, seven are locked in court battles with the state. A bid to begin a transload operation in Atlantic County's Mullica Township has its first federal court hearing tomorrow in Camden.

Acting Gov. Richard J. Codey, who in June directed state attorneys to join the Pinelands Commission in the Mullica case, has vowed to "harass the hell" out of companies that "exploit federal loopholes and jeopardize the health of our residents and our environment." Last month, Codey levied \$2.5 million in environmental fines on five Meadowlands trash transfer facilities - who swiftly took the state to court.

The railroad companies argue that the transfer stations actually perform an environmental benefit by removing thousands of garbage-laden trucks from the road. They note that the facilities store largely clean construction debris from the Northeast's active home-renovation industry, not the municipal garbage that is more likely to contaminate groundwater.

"Railroads are a clean operation willing to take the material at a much lower price and ship it in a safe way to Ohio, where they actually want to take the stuff," said John Fiorilla, a Mount Laurel railroad lawyer who is representing Southern Railroad Co.'s interests in Mullica Township.

The federal statutes designed to encourage the maintenance of a national rail system were passed in the 1990s, but never employed for these waste-hauling side businesses until recently, said Bruce Parker, president of the National Solid Wastes Management Association in Washington.

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Businesses that are an "integral part of the railroad" aren't required to obtain the expensive environmental and zoning permits that New Jersey and other states imposed on traditional garbage companies in the 1980s, he said.

"Some of these facilities are just renegades, truly open dumps, and may not qualify for the exemption, while others are an arm of the railroad," Parker said. "Ultimately, we'll see the courts or the federal government decide - and we'll see it soon."

The federal Surface Transportation Board, which has jurisdiction over the railroads' activities, declined to comment on cases pending before it.

Sens. Frank Lautenberg and Jon S. Corzine (D., N.J.) introduced legislation last month that would require the railroad transfer stations to meet the same environmental standards as other garbage facilities. New Jersey's Democratic congressmen have introduced companion legislation in the U.S. House.

Alan Marcus, a spokesman for the New York Susquehanna & Western Railroad, which operates several Meadowlands transfer facilities, called the senators' action "political pandering." He noted that federal lawmakers have been reluctant to disrupt interstate commerce for garbage complaints from states such as Pennsylvania, unhappy with its status as the country's number-one trash importer.

Pennsylvania has benefited from New Jersey's problem. The state reported last month that waste imports had decreased for the third straight year, though it still took in 5.3 million tons of garbage from New Jersey. Pennsylvania's Department of Environmental Protection attributed the dip to the popularity of railroad trash transfer stations, noting that the state had no rail-accessible landfills.

Each new trash transfer station has met with tremendous local opposition, as well. In Mullica, Mayor Kathy Chasey estimates that there are 950 signs opposing the proposed facility on lawns of the township's 2,300 homes.

The transfer station's location in the most protected area of the Pinelands has led the Pinelands Preservation Alliance to get involved in the lawsuit.

"Given the Pinelands' sandy soil, you always worry about contaminating groundwater - especially with a dump," said Carleton Montgomery, executive director of the alliance. "It sows the seeds of further destruction for the area's protection plan."

But the Meadowlands, with its five trash transfer stations, is also a state-protected natural area. Andrew Willner, the New York-New Jersey baykeeper, said the facilities were 30-foot-tall open garbage dumps that let contaminated waste run off into sensitive marshes and creeks.

"When it comes to trash, there are few alternatives - and it's more environmentally sound to move it by rail or boat," said Willner, whose group is preparing its own lawsuit against the five facilities. "But we can't have these companies operating like outlaws."

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